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October 29, 2024

Nwamaka Anowi
Clerk
U.S. Court of Appeals for the Fourth Circuit
Lewis F. Powell Jr. Courthouse
1100 East Main Street, Suite 501
Richmond, Virginia 23219
VIA CM/ECF

Re: Rule 28(j) Letter in *Republican National Committee v. North Carolina State Board of Elections*, Nos. 24-2044, 24-2045

Dear Clerk Anowi:

At oral argument, appellant Democratic National Committee was asked whether any federal courts have recognized a political party's Article III standing to challenge state election procedures since *Food & Drug Administration v. Alliance for Hippocratic Medicine*, 602 U.S. 367 (2024). The answer is yes.

Just last week, for example, the Fifth Circuit recognized that political-party plaintiffs (including the Republican National Committee) had standing to challenge Mississippi's ballot-counting timeline. *Republican National Committee v. Wetzel*, 2024 WL 4579307 (5th Cir. Oct. 25, 2024). The court observed, "[n]either party disputes the plaintiffs' standing before this court. That is presumably because this case fits comfortably within our precedents." *Id.* at *2 n.3. That ruling affirmed a district court's conclusion that the RNC and other party organizations had "organizational standing" to challenge Mississippi's post-election receipt of ballots in part because the state's practice "force[d] the RNC to spend more money on ballot-chase programs and poll-watching activities," and diverted resources from "traditional get-out-the-vote operations." *Republican National Committee v. Wetzel*, 2024 WL 3559623, at *2-4 (S.D. Miss. July 28, 2024) (internal quotation marks and brackets omitted). As the Fifth Circuit's two-sentence affirmance of plaintiffs' standing suggests, the standing question was straightforward.

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Consistent with this very recent precedent from another circuit, appellees here have Article III organizational standing.

Sincerely,

s/ Seth P. Waxman

SETH P. WAXMAN

cc All counsel of record (via CM/ECF)

Taylor Barton
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